

08-28-00

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Patent  
256/167 (6646-101NQ)  
7-502

JC917 U.S. PTO  
08/25/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 256/167 (6646-101NQ)

First Named Inventor: Ronald A. Katz

Prior Application Information:

Examiner: Scott Weaver

Art Unit: 2748

BOX PATENT APPLICATION

Commissioner for Patents

Washington, D. C. 20231

FILING UNDER 37 CFR § 1.53(B)

This is a request for filing for a

☒ continuation

☐ divisional

☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial  
No. 09/006,274 filed on January 13, 1998, by

Ronald A. Katz

entitled: TELEPHONIC-INTERFACE STATISTICAL ANALYSIS SYSTEM

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL360206835US

Express Mail Label No.

August 25, 2000

Date of Deposit

LA-158552.1

Connie Kwon

Name of Person Mailing Paper

Connie Kwon

Signature of Person Mailing Paper

JC857 U.S. PTO  
09/648691  
08/25/00

**I. COPY OF PRIOR APPLICATION AS FILED IS ATTACHED**

- ☒ I hereby verify that the attached papers are a true and complete copy of what is shown in my records to be the above-identified prior application, including the oath or declaration as originally filed. (37 CFR § 1.53)

38 Page(s) of Written Description  
15 Page(s) of Claims  
1 Page(s) of Abstract  
6 Sheet(s) of Drawings ☐ formal ☒ informal  
1 Page(s) of Declaration, Power of Attorney, and Petition to the principal attorney  
1 Page(s) of Associate Power of Attorney from principal attorney  
2 Page(s) of Power of Attorney by Assignee  
2 Page(s) of a subsequent Revocation And Grant Of Power Of Attorney

- ☒ Pursuant to 37 § CFR 1.63(d)(1), a newly executed oath or declaration is not required.
- ☐ A newly executed oath or declaration is filed herewith
- ☐ I hereby state that the amendment referred to in the declaration filed to complete the prior application, in accordance with the requirements of 37 CFR § 1.53(b), did not introduce new matter therein.

**II. AMENDMENTS**

- ☒ Cancel ~~in~~ this application original Claims 2-28 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**III. INFORMATION DISCLOSURE STATEMENT**

- ☐ An Information Disclosure Statement, PTO 1449, without copies of citations are submitted herewith.

**IV. PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME TO FILE AN AMENDMENT**

- ☐ Filed herewith under separate cover is a petition for suspension of prosecution under 37 CFR § 1.103, together with the fee due under 37 CFR § 1.17 (h).

**V. FEE CALCULATION (including claims presented in Preliminary Amendment)**

<b>BASIC FILING FEE:</b>						<b>\$690.00</b>
Total Claims	74	-	20	=	54	x \$18.00 \$972.00
Independent Claims	4	-	3	=	1	x \$78.00 \$78.00
Multiple Dependent Claims	\$260	(if applicable)				<input type="checkbox"/> \$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						<b>\$1,740.00</b>
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.						<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
<b>TOTAL FEES SUBMITTED HEREWITH</b>						<b>\$1,740.00</b>

**VI. SMALL ENTITY STATUS**

A Verified Statement to establish small entity under 37 CFR §§ 1.9 and 1.27:

- ☐ is attached.
- ☐ has been filed in the prior application and such status is still proper and desired. [37 CFR § 1.28(a)]

**VII. DRAWINGS**

[NOTE: DO NOT CHECK THIS IF PRIOR CASE IS NOT TO BE ABANDONED.]

- ☐ Transfer the drawings from the prior application to this application and, subject to Item 16 below, abandon said prior application as of the filing date accorded to this application. A duplicate copy of this request is enclosed for filing in the prior application file.  
[May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record and before payment of issue fee. 37 CFR § 1.138.]
- ☐ Transfer the following sheet(s) of drawings from the prior application to this application.
- ☒ New drawings are enclosed ☐ formal ☒ informal

**VIII. PRIORITY - 35 USC § 119**

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The certified copy will follow.

**IX. RELATE BACK - 35 USC § 120**

☐ Amend the Specification by inserting before the first line the sentence:  
This is a continuation of co-pending application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which  
will issue as U.S. Patent No. \_\_\_\_\_ on \_\_\_\_\_.

☒ Relate back information included in preliminary amendment or specification.

**X. INVENTORSHIP STATEMENT**

☒ With respect to the prior co-pending U.S. application from which this application  
claims benefit under 35 USC § 120, the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application and it is requested that the  
following inventor(s) identified above for the prior application be deleted:

[Name(s) of inventor(s) to be deleted]

☒ The inventorship for all the claims in this application is:

☒ the same.

☐ not the same, and an explanation, including the ownership of the various  
claims at the time the last claimed invention was made, is submitted.

**XI. ASSIGNMENT**

☒ The prior application is assigned of record to Ronald A. Katz Technology Licensing,  
L.P.

☐ An Assignment of the invention to \_\_\_\_\_ is attached.

Ronald A. Katz Technology Licensing, L.P.  
Name of Assignee

9200 Sunset Blvd., Suite 1005, Los Angeles, California 90069  
Address of Assignee

Assignment recorded in PTO on September 26, 1994, Reel 7133, Frame 90-100

**XII. FEE PAYMENT BEING MADE AT THIS TIME**

- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]
- ☒ Attached.
- ☒ Filing fees. 1740.00
- ☐ Recording assignment. [\$40.00 37 CFR § 1.21(h)(1)]  
Petition fee for filing by other than all the inventors or  
person on behalf of the inventor where inventor  
refused to sign or cannot be reached.  
[\$130.00; 37 CFR §§ 1.47 and 1.17(h)]
- ☐ Petition fee to Suspend Prosecution for the Time  
Necessary to File an Amendment (New Application  
Filed Concurrently.)  
[\$130.00; 37 CFR §§ 1.103 and 1.17(i)]
- ☐ For processing an application with a specification in a  
non-English language.  
[\$130.00; 37 CFR §§ 1.52(d) and 1.17(k)]
- ☐ Processing and retention fee.  
[\$130.00; 37 CFR §§ 1.53(f) and 1.21(l)]

**Total Fees Enclosed** \$1,740.00

**XIII. METHOD OF PAYMENT OF FEES**

- ☐ Attached is a check in the amount of \_\_\_\_\_.
- ☒ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \$1,740.00.

**XIV. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

- ☒ 37 CFR § 1.16(a) (filing fees)
- ☒ 37 CFR § 1.16(b) (presentation of extra claims)
- ☐ 37 CFR § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR § 1.17 (application processing fees)

- ☐ 37 CFR § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b))

**XV. INSTRUCTIONS AS TO OVERPAYMENT**

- ☒ Credit Lyon & Lyon's Deposit Account No. **12-2475**
- ☐ Refund check

**XVI. POWER OF ATTORNEY**

- ☐ The power of attorney in the prior application is to \_\_\_\_\_.
- ☒ The power of attorney in the prior application is to the registered attorneys and/or agents listed below and members of or associates in the law firm of **LYON & LYON LLP**, 633 West Fifth Street, 47<sup>th</sup> Floor, Los Angeles, California 90071, Registration No. 11,611, whose members are registered to practice in the U.S. Patent and Trademark office:

Roland N. Smoot, Reg. No. 18,718  
Conrad R. Solum, Jr., Reg. No. 20,467  
James W. Geriak, Reg. No. 20,233  
Robert M. Taylor, Jr., Reg. No. 19,848  
Samuel B. Stone, Reg. No. 19,297  
Douglas E. Olson, Reg. No. 22,798  
Robert E. Lyon, Reg. No. 24,171  
Robert C. Weiss, Reg. No. 24,939  
Richard E. Lyon, Jr., Reg. No. 26,300  
John D. McConaghy, Reg. No. 26,733  
William C. Steffin, Reg. No. 26,811  
Coe A. Bloomberg, Reg. No. 26,605  
J. Donald McCarthy, Reg. No. 25,119  
James J. Shalek, Reg. No. 29,749  
Allan W. Jansen, Reg. No. 29,035  
Robert W. Dickerson, Reg. No. 29,914  
David B. Murphy, Reg. No. 31,125  
James C. Brooks, Reg. No. 29,898  
Jeffrey M. Olson, Reg. No. 30,790

Steven D. Hemminger, Reg. No. 30,755  
Jerrold B. Reilly, Reg. No. 32,293  
Paul H. Meier, Reg. No. 32,274  
John A. Rafter, Jr., Reg. No. 31,653  
Kenneth H. Ohriner, Reg. No. 31, 646  
Mary S. Consalvi, Reg. No. 32,212  
Lois M. Kwasigroch, Reg. No. 35,579  
Lawrence R. LaPorte, Reg. No. 38,948  
Carol A. Schneider, Reg. No. 34,923  
Hope E. Melville, Reg. No. 34,874  
Michael J. Wise, Reg. No. 34,047  
Richard J. Warburg, Reg. No. 32,327  
and Reena Kuyper Reg. No. 33,830

- ☒ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_ in this application.
- ☐ A new power has been executed and is attached.

☒ Address all future communications to:

LYON & LYON LLP  
633 West Fifth Street, 47<sup>th</sup> Floor  
Los Angeles, California 90071  
(213) 489-1600  
Attention: Reena Kuyper

**XVII. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

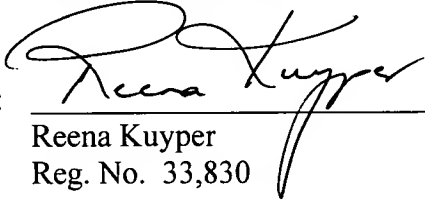
**XVIII. ABANDONMENT OF PRIOR APPLICATION**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item IX above.

Respectfully submitted,

LYON & LYON LLP

By:

  
Reena Kuyper  
Reg. No. 33,830

Dated: August 25, 2000

633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
(213) 489-1600

Enclosures

☒ The Commissioner is authorized to charge Counsel's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account **12-2475**.

Respectfully submitted,

LYON & LYON LLP

Dated: March 2, 1999

By: David B. Murphy

David B. Murphy  
Reg. No. 31,125

DBM/dnd  
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